

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

NOTICE

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DEPARTMENT OF THE TREASURY

U.S. Customs Service

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
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NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

DEPARTMENT OF THE TREASURY

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U.S. Customs Service

(T.D. 74-275)

Reimbursable services—Excess cost of preclearance operations

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 16, 1974.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 10, 1974.

<i>Installation</i>	<i>Biweekly excess cost</i>
Montreal, Canada	\$8,373.00
Toronto, Canada	14,382.00
Kindley Field, Bermuda	2,425.00
Nassau, Bahama Islands	5,804.00
Vancouver, Canada	1,424.00
Winnipeg, Canada	431.00

(FIS-9-05)

VERNON D. ACREE,
Commissioner of Customs.

[Published in the Federal Register October 23, 1974 (39 FR 37656)]

(T.D. 74-276)

Treatment of seized merchandise—Customs Regulations amended

Section 162.44 of the Customs Regulations amended to eliminate the requirement that any offer to pay the value of seized merchandise to obtain its release contain an assent to forfeiture and a waiver of further proceedings

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 162—INSPECTION, SEARCH, AND SEIZURE

Section 614 of the Tariff Act of 1930, as amended (19 U.S.C. 1614), provides generally that merchandise seized under the Customs laws

U.S. Customs Services

170-18-213

may be released upon payment of the value of the merchandise. Section 162.44 of the Customs Regulations requires, in part, that any offer to pay the appraised domestic value of seized merchandise in order to obtain its release shall contain an assent to forfeiture and a waiver of further proceedings. Since the full value of the seized merchandise must, in accordance with the statute, be tendered before its release, the revenue is protected and the requirement for an assent to forfeiture and a waiver of further proceedings is deemed to be unnecessary.

Accordingly, paragraphs (a) and (b)(1) of section 162.44 of the Customs Regulations (19 CFR 162.44(a) and (b)(1)) are amended as follows:

§ 162.44 Release on payment of appraised value.

(a) *Value exceeding \$50,000.* Any offer to pay the appraised domestic value of seized merchandise in order to obtain the immediate release of property which was seized under the Customs laws and exceeding \$50,000 in appraised domestic value, or which was seized under the navigation laws, shall be in writing, addressed to the Commissioner of Customs, and signed by the claimant or his attorney. It shall be submitted in duplicate to the district director for the district in which the property was seized. Proof of ownership shall be submitted with the application if the facts in the case make such action necessary.

* * * * *

Paragraph (b)(1) of section 162.44 is amended by placing the word "and" after the semicolon at the end of subdivision (ii), by substituting a period for the semicolon at the end of subdivision (iii) and by deleting the word "and" thereafter, and by deleting all of subdivision (iv).

(R. S. 251, as amended, secs. 614, 624, 46 Stat. 757, as amended, 759; (19 U.S.C. 66, 1614, 1624))

Inasmuch as these amendments relax a requirement formerly imposed upon the public, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall become effective upon publication in the Federal Register.

(ADM-9-03)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved October 15, 1974:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the Federal Register October 23, 1974 (39 FR 37633)]

(T.D. 74-277)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in categories 63 and 64
manufactured or produced in the Republic of China

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 17, 1974.

There is published below the directive of October 9, 1974, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textile products in categories 63 and 64, manufactured or produced in the Republic of China. This directive further amends but does not cancel that Committee's directive of December 27, 1973 (T.D. 74-26).

This directive was published in the Federal Register on October 15, 1974 (39 FR 36889), by the Committee.

(QUO-2-1)

R. N. MARRA,
Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 9, 1974.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On December 27, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1974 of cotton textile products in certain specified categories, produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are sub-

ject to adjustment.¹ The directive of December 27, 1973 was previously amended by directive of September 5, 1974.

Pursuant to paragraph 15 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to increase, effective as soon as possible and for the twelve-month period beginning on January 1, 1974 and extending through December 31, 1974, the levels of restraint applicable to cotton textile products in Categories 63 and 64 by 100,000 pounds each to the following amounts:

Category	Amended Twelve-Month Level of Restraint ²	
63	347,464 pounds	
64	334,155 pounds	

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance,
U.S. Department of Commerce*

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textile and man-made fiber textile products of the comparable category; and for administrative arrangements.

² These amended levels of restraint have not been adjusted to reflect any entries made on or after January 1, 1974.

(T. D. 74-278)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 17, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR Part 159, Subpart C).

Hong Kong dollar:

October 7-11, 1974	\$0.1975
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Iran rial:

October 7-11, 1974	\$0.0149
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Philippines peso:

October 7, 1974	\$0.1481
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October 8, 1974	.1480
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October 9, 1974	.1480
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October 10, 1974	.1475
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October 11, 1974	.1490
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Singapore dollar:

October 7, 1974	\$0.4114
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October 8, 1974	.4119
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October 9, 1974	.4118
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October 10, 1974	.4125
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October 11, 1974	.4125
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Thailand baht (tical):

October 7, 1974	\$0.0498
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October 8, 1974	.0498
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October 9, 1974	.0498
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October 10, 1974	.0498
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October 11, 1974	.0495
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(LIQ-3-O:D:T)

JAMES D. COLEMAN,

for R. N. MARRA,

Director,

Duty Assessment Division.

(T. D. 74-279)

Synopses of Drawback decisions

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 22, 1974.

The following are synopses of drawback rates and amendments issued June 4, 1973, to October 16, 1974, inclusive, pursuant to sections 22.1 and 22.5, inclusive, Customs Regulations; and approval under section 22.6, Customs Regulations.

(DRA-1-09)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(A) *Acrylic panels and profiles.*—Manufactured under section 1313(a) by The Rotuba Extruders, Inc., Linden, N.J., with the use of imported acrylic resin.

Rate effective on articles manufactured and exported on and after August 15, 1974.

Rate issued by Regional Commissioner of Customs, New York, N.Y., August 21, 1974.

(B) *Aluminum and aluminum alloy ingot, pig, billet, slab and tee-shapes, shaped.*—Manufactured under section 1313(b) by Intalco Reduction Corp., Ferndale, Wash., with the use of aluminum ingots.

Rate effective on articles manufactured on and after September 20, 1972, and exported on and after September 28, 1972.

Manufacturer's statement of May 20, 1974, forwarded to Regional Commissioner of Customs, San Francisco, Calif., October 16, 1974.

(C) *Aluminum and aluminum alloy ingot, pig, billet, slab and tee-shapes, shaped.*—Manufactured under section 1313(b) by Intalco Tooling Corp., Ferndale, Wash., with the use of aluminum ingots.

Rate effective on articles manufactured on and after September 20, 1972, and exported on and after September 28, 1972.

Manufacturer's statement of May 20, 1974, forwarded to Regional Commissioner of Customs, San Francisco, Calif., October 16, 1974.

(D) *Aluminum foil containers, aluminum coiled and flat sheets reduced in gauge, housewares, bakery equipment, and utensils.*—Manufactured under section 1313(b) by Ekco Products, Inc., Wheeling, Ill., at its factories located at Wheeling and Chicago, Ill., Clayton, N.J., and Commerce, Calif., with the use of aluminum coiled sheets.

Rate effective on articles manufactured on and after January 1, 1972, and exported on and after February 28, 1972.

Manufacturer's drawback statements of April 24, 1972, September 26, 1973, and August 12, 1974, forwarded to Regional Commissioners of Customs, Chicago, Ill., and Baltimore, Md., September 20, 1974.

(E) *Beverages, canned carbonated soft drink.*—Manufactured under section 1313(b) by Allegheny Beverage Corp., d/b/a Allegheny Pepsi-Cola Bottling Co., Baltimore, Md., at its Baltimore, Md., and Newport News, Va., factories, with the use of liquid refined invert sugar.

Rate effective on articles manufactured on and after July 18, 1972, and exported on and after July 22, 1972.

Manufacturer's statement of August 5, 1974, forwarded to Regional Commissioner of Customs, New York, N.Y., September 30, 1974.

(F) *Carbopol resins.*—Manufactured under section 1313(b) by The B. F. Goodrich Co., Akron, Ohio., at its Calvert City, Ky., factory, with the use of glacial acrylic acid.

Rate effective on articles manufactured on and after September 15, 1973, and exported on and after October 1, 1973.

Manufacturer's drawback statements of April 3, May 15, and August 27, 1974, forwarded to Regional Commissioner of Customs, Baltimore, Md., September 30, 1974.

(G) *Engines, aircraft.*—T.D. 73-226-A, covering executive aircraft engines manufactured under section 1313(a) by Grumman American Aviation Corp., Savannah, Ga., with the use of imported aircraft engines, accessories, and miscellaneous aircraft parts, *amended* to cover aircraft engines manufactured under section 1313(a) by the company with the use of imported turbo-fans, fuel systems, oil systems, anti-icing systems, pyrometry systems, igniter plugs, various gearboxes, control systems, engine mounts, vibration transmitter mounts, and various engine accessories and their components.

Amendment effective on articles manufactured and exported on and after January 19, 1973.

Amendment issued by Regional Commissioner of Customs, Miami, Fla., May 31, 1974.

(H) *Extracts, flavoring.*—T.D. 66-193-I, as amended by T.D. 71-249-E, covering flavoring extracts manufactured under section 1313 (d) by The Huntington Creek Corp., d/b/a Spring Garden Flavor Co., New York, N.Y., at its Dundalk, Md., factory, with the use of

domestic tax-paid alcohol, further *amended* to cover such products manufactured at Dundalk, Md., by Joseph E. Seagrams & Sons, Inc., *successor*.

Amendment effective on articles exported on and after August 1, 1974, the date of succession.

Amendment issued by Regional Commissioner of Customs, Baltimore, Md., August 13, 1974.

(I) *Fan assemblies, industrial thermo axial*.—Manufactured under section 1313(a) by Industrial Gas Engineering Co., Inc., Westmont, Ill., with the use of imported stainless steel plate and bar.

Rate effective on articles manufactured on and after January 2, 1971, and exported on and after February 1, 1971.

Rate issued by Regional Commissioner of Customs, Chicago, Ill., August 19, 1974.

(J) *Flanges, and plugs (cup and insert)*.—Manufactured under section 1313(b) by American Flange & Manufacturing Co., Inc., Linden, N.J., with the use of cold rolled steel sheet.

Rate effective on articles manufactured on and after July 1, 1973, and exported on and after August 1, 1973.

Manufacturer's statement of September 18, 1974, forwarded to Regional Commissioner of Customs, New York, N.Y., October 8, 1974.

(K) *Food blenders, electric*.—Manufactured under section 1313(a) by Waring Products Div. of Dynamics Corp. of America, New York, N.Y., at its Hartford, Conn., factory, with the use of imported flex cords and two-way terminal blocks.

Rate effective on articles manufactured and exported on and after August 26, 1974.

Rate issued by Regional Comissioner of Customs, New York, N.Y., August 30, 1974.

(L) *Food products*.—T.D. 72-121-G, as amended by T.D.'s 74-95-M, 74-149-K, and 74-217-S, covering food products manufactured under section 1313(b) by General Mills, Inc., Minneapolis, Minn., at its Minneapolis, Minn.; West Chicago, Ill.; Toledo, Ohio; St. Charles, Ill.; Buffalo, N.Y.; Cedar Rapids, Iowa; Chicago, Ill.; Lancaster, Ohio, and Lodi, Calif., factories, with the use of hard refined sugar and liquid sugar; food products manufactured by the corporation under section 1313(b) at the said factories with the use of wheat flour, dry egg white, and yolks, extra grade nonfat dry milk, and other food preparation ingredients; cake mixes manufactured by the corporation under section 1313(b) at the said factories with the use of shortening

containing lard derived from animal fats or hydrogenated vegetable fats or both; blended and graded wheat, wheat flour (to be used in the manufacture of food products), and breakfast cereals manufactured by the corporation under section 1313(b) with the use of wheat at its Minneapolis (two) and Duluth, Minn.; Carlisle, Iowa; Buffalo, N.Y.; Los Angeles and Vallejo, Calif.; Chicago, Ill.; Great Falls, Mont.; Johnson City, Tenn.; Kansas City, Mo.; Enid, Okla.; and Pocatello, Idaho, factories, further *amended* to cover the foregoing articles manufactured by the corporation under section 1313(b) at the plant of Crest Foods, Inc., Ashton, Ill., with the use of the foregoing merchandise.

Amendment effective on articles manufactured and exported on and after May 1, 1974.

Supplemental statement of August 19, 1974, forwarded to Regional Commissioner of Customs, Chicago, Ill., September 24, 1974.

(M) *Gowns, bridal.*—Manufactured under section 1313(a) by Alfred Angelo, Inc., Willow Grove, Pa., with the use of imported lace.

Rate effective on articles manufactured on and after February 1, 1971, and exported on and after March 19, 1971.

Rate issued by Regional Commissioner of Customs, Baltimore, Md., August 13, 1974.

(N) *Gravity filters and Floc treators.*—Manufactured under section 1313(b) by Chromalow American Corp. (L*A/Water Treatment Div.), City of Industry, Calif., with the use of hot rolled steel plates.

Rate effective on articles manufactured on and after March 19, 1974, and exported on and after March 27, 1974.

Manufacturer's drawback statement of August 19, 1974, forwarded to Regional Commissioner of Customs, San Francisco and Los Angeles, Calif., October 8, 1974.

(O) *Lead oxide (litharge).*—T.D. 71-97-J covering lead oxide (litharge) manufactured under section 1313(a) by Gould, Inc., St. Paul, Minn., at its Frisco, Tex., factory, with the use of imported pig lead, *amended* to cover this product manufactured by the company at its additional factory located at St. Paul, Minn.

Amendment effective on articles manufactured on and after July 1, 1971, and exported on and after June 25, 1974.

Amendment issued by Regional Commissioner of Customs, New York, N.Y., September 11, 1974.

(P) *Leather, pigment colored and surface textured.*—Manufactured under section 1313(a) by Ideal Leather Finishers, Gloversville, N.Y., with the use of imported leather hides.

Rate effective on articles manufactured on and after January 1, 1974, and exported on and after June 17, 1974.

Rate issued by Regional Commissioner of Customs, New York, N.Y., September 12, 1974.

(Q) *Linerboard, kraft.*—Manufactured under section 1313(a) by Weyerhaeuser Co., Federal Way, Wash., at its Springfield, Ore., factory, with the use of imported or drawback Posamyl-E cationic starch (chemically treated potato starch).

Rate effective on articles manufactured on and after February 12, 1972, and exported on and after March 19, 1972.

Manufacturer's drawback statement of August 1, 1972, forwarded to Regional Commissioner of Customs, San Francisco, Calif., October 4, 1974.

(R) *Paper, printed woodgrain.*—T.D. 69-132-K, as amended by T.D. 74-155-P, covering printed woodgrain paper manufactured under section 1313(a) by Decotone Div., Litton Business Systems, Inc., Westminster, Mass., with the use of imported coated newsprint paper, *amended* to cover the foregoing articles manufactured by the said company at its additional factory located at Lexington, S.C.

Amendment effective on articles manufactured on and after August 1, 1972, and exported on and after October 23, 1972.

Amendment issued by Regional Commissioner of Customs, Boston, Mass., June 4, 1973.

(S) *Petroleum products; lubricating oil.*—T.D. 73-124(1), covering petroleum products manufactured under section 1313(b) by Gulf Oil Co. of Pa., Philadelphia, Pa., at its Philadelphia, Pa., refinery with the use of crude petroleum or petroleum derivatives; and T.D. 73-124-K, covering lubricating oil manufactured by the said company at its above refinery under section 1313(b) with the use of lubricating oil blending stocks, *amended* to cover the foregoing articles manufactured by Gulf Oil Corp., Pittsburgh, Pa., *successor* at its Philadelphia, Pa., refinery.

Amendment effective on articles manufactured on and after July 1, 1971, and exported on and after September 1, 1974.

Supplemental statement of September 9, 1974, forwarded to Regional Commissioner of Customs, Baltimore, Md., October 7, 1974.

(T) *Ribbons, inked computer.*—Manufactured under section 1313 (a) by Mohawk Data Sciences Corp., H. J. Storms Div., Brooklyn, N.Y., with the use of imported nylon cloth.

Rate effective on articles manufactured on and after April 12, 1974, and exported on and after April 24, 1974.

Rate issued by Regional Commissioner of Customs, New York, N.Y., September 4, 1974.

(U) *Sewing machines, electric.*—T.D. 54255-O, as amended by T.D.'s 55650-C, 56318-K, and 71-167-V, covering electric sewing machines manufactured under section 1313(a) by U.S. Industries, Inc., New York, N.Y., with the use of imported sewing machine heads and electric motors, further *amended* to cover the foregoing articles manufactured at the company's additional factory located at Los Angeles, Calif.

Amendment effective on articles manufactured and exported on and after May 1, 1974.

Amendment issued by Regional Commissioner of Customs, New York, N.Y., September 13, 1974.

(V) *Soups, canned; other canned food products.*—Manufactured under section 1313 (b) by Campbell Soup Co., Camden, N.J., at its various factories, with the use of potato starch.

Rate effective on articles manufactured and exported on and after August 2, 1971.

Manufacturer's statements of June 21 and September 25, 1974, forwarded to Regional Commissioner of Customs, Baltimore, Md., October 8, 1974.

(W) *Tools, hand, and parts and sockets.*—Manufactured under section 1313(b) by Upland Industries, Inc., Upland, Pa., with the use of rough steel forgings and steel castings, and with the use of steel hexagonal wire in coils and steel hexagonal rods.

Rate effective on articles manufactured on and after April 17, 1970, and exported on and after December 1, 1970.

Manufacturer's drawback statements of December 21, 1973, and September 3, 1974, forwarded to Regional Commissioner of Customs, Baltimore, Md., September 26, 1974.

(X) *Tungsten carbide and/or tubemetal and tungsten carbide cobalt alloy powder, bulk.*—Manufactured under section 1313(a) by Alloys Inc., Baytown, Tex., with the use of imported tungsten metal or ore.

Rate effective on articles manufactured on and after July 19, 1973, and exported on and after August 1, 1973.

Rate issued by Regional Commissioner of Customs, Houston, Tex., August 21, 1974.

(Y) *Wall paneling, prefinished.*—T.D. 73-148-X, covering prefinished wall paneling manufactured under section 1313(a) by Plywood Panels, Inc., New Orleans, La., with the use of imported plywood panels, *amended* to cover (1) a change in name to Pacific Wood Products of Louisiana, Inc., and (2) a further change in name to Plywood Panels, Inc.

Amendment effective on articles covered by amendment (1) which are exported on and after May 2, 1973, the date of the change in name to Pacific Wood Products of Louisiana, Inc., and on the articles covered by amendment (2) which are exported on and after November 1, 1973, the date of the change in name to Plywood Panels, Inc.

Amendment issued by Regional Commissioner of Customs, Chicago, Ill., September 17, 1974.

(Z) *Wrist watches and watches.*—T.D. 52361-F covering the foregoing articles manufactured under section 1313(a) by The American Rolex Watch Corp., New York, N.Y., with the use, respectively, of imported watch movements, heads, cases and bracelets, and imported watch cases and movements, *amended* to cover a change in the company's name to Rolex Watch, U.S.A., Inc.

Amendment effective on articles exported on and after February 1, 1973, the date of name change.

Amendment issued by Regional Commissioner of Customs, New York, N.Y., August 16, 1974.

Approval under section 22.6, Customs Regulations

(1) *Piece goods, bleached, dyed, printed and finished.*—Manufactured under section 1313(a) by Swainsboro Print Works, Inc., New York, N.Y., at its Swainsboro, Ga., factory, with the use of imported greige woven piece goods.

Approval effective on articles manufactured on and after July 24, 1974, and exported on and after July 31, 1974.

Manufacturer's statement approved by Regional Commissioner of Customs, New York, N.Y., August 22, 1974.

ERRATUM

Customs Bulletin, Vol. 8, No. 42 should be dated October 16, 1974 instead of October 23, 1974, and Customs Bulletin, Vol. 8, No. 43 should be dated October 23, 1974 instead of October 30, 1974.

Decisions of the United States Court of Customs and Patent Appeals

(C.A.D. 1133)

GLENSIDE STEEL COMPANY, GERRY SCHMITT AND COMPANY V. THE
UNITED STATES (CA 74-18, — F. 2d —)

United States Court of Customs and Patent Appeals, October 17, 1974

Appeal from United States Customs Court, Consolidated
Reappraisement Appeals, R.69/5355 and fourteen others.

[Affirmed.]

David Elliott (Barnes, Richardson & Colburn) attorneys of record, for appellants, *Irving Levine* and *Hadley S. King*, of counsel.

Carla A. Hills, Assistant Attorney General, *Andrew P. Vance*, Chief, Customs Section, *James Caffentzis* and *Robert Masters* for the United States.

[Oral argument October 2, 1974, by Mr. Elliott and Mr. Masters]

Before MARKEY, Chief Judge, RICH, BALDWIN, LANE and MILLER, Associate Judges.

PER CURIAM.

This appeal is from the judgment of the United States Customs Court, 71 Cust. Ct. 23, C.D. 4466, 364 F. Supp. 1398 (1973). The court held that plaintiffs (appellants here) had failed to overcome the presumption of correctness attaching to the appraisal of the salvaged steel, and that plaintiffs had failed to prove that their claimed values were correct.

After a thorough consideration of the record, of the briefs, and of the oral arguments, we have concluded that we are in full agreement with the opinion of the Customs Court, and we adopt it as our own. The judgment is *affirmed*.

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Charles D. Lawrence
David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, October 15, 1974.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
P74/774	Newman, J. October 7, 1974	Mobilite, Inc.	66/77641, etc.	Item 653.40 19%	Liquidations void; protests prenuntia- ture and dis- missed; entries returned to regional com- missioner for appropriate ad- ministrative action	Mobilite, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entireties)
P74/775	Newman, J. October 7, 1974	Mobilite, Inc.	67/36610, etc.	Item 653.40 19%	Liquidations void; protests prenuntia- ture and dis- missed; entries returned to regional com- missioner for appropriate ad- ministrative action	Mobilite, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entireties)
P74/776	Newman, J. October 7, 1974	Mobilite, Inc.	67/56450, etc.	Item 653.35 10.5% or 8%	Liquidations void; protests prenuntia- ture and dis- missed; entries returned to regional com- missioner for appropriate ad- ministrative action	Mobilite, Inc. v. U.S. (C.D. 4478)	New York High intensity lamps and bulbs imported together (not entireties)

P74777	Newman, J. October 7, 1974	Mobilite, Inc. 6833187, etc.	Item 653.40 or 653.39 19%	Mobilite, Inc. v. U.S. (C.D. New York 478) Liquidations void; protests pre- mature and dis- missed; entries returned to re- gional commis- sioner for appro- priate adminis- trative action	Mobilite, Inc. v. U.S. (C.D. New York 478) Liquidations void; protests pre- mature and dis- missed; entries returned to re- gional commis- sioner for appro- priate adminis- trative action	Mobilite, Inc. v. U.S. (C.D. New York 478) Liquidations void; protests pre- mature and dis- missed; entries returned to re- gional commis- sioner for appro- priate adminis- trative action	Mobilite, Inc. v. U.S. (C.D. New York 478) Liquidations void; protests pre- mature and dis- missed; entries returned to re- gional commis- sioner for appro- priate adminis- trative action
P74778	Newman, J. October 7, 1974	Mobilite, Inc. 6833218, etc.	Item 653.40 or 653.39 19%				
P74779	Richardson, J. October 9, 1974	National Silver Co. 6515912	Item 651.75 35.49%				
P74780	Richardson, J. October 9, 1974	National Silver Company 7023552	Item 651.75 28.38%				
P74781	Watson, J. October 9, 1974	Gamble Import Corp. et al. 6833415, etc.	Item 748.20 28% or 26.5%	Item 774.00 17% or 15%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunoid Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovits, Inc. v. U.S. (C.D. 4366)	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunoid Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovits, Inc. v. U.S. (C.D. 4366)	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunoid Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovits, Inc. v. U.S. (C.D. 4366)

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
P74782	Watson, J. October 9, 1974	General Instrument Corporation	71-30-01847	Item 687.00 12.5%, 11% or 10% without allowance un- der Item 807.00 for certain fabricated components	Items 687.00/807.00 12.5%, 11% or 10% cost or value of fa- bricated components previously determined upon inqui- tation to be products of U.S. plus cost or value of gold wire, whisker wire, and tape in all involved entries; braided lead assembly in all entries in cept 13 case assembly in all entries ex- cept 8; solder preform in all entries except 1; tin anode in all entries		New York American goods returned (gold bond diodes)

Watson, J. October 9, 1974	P74/738	F. W. Myers	70/51738 17.5%	Item 708.82 8%	Agreed statement of facts-- except 1; germanium wafer in all entries except 7; deductible from ap- praised value of imported gold bond diodes	New York Devices used as accessories with electronic micro- scopes by cooling sur- roundings of specimen being examined, while maintaining specimen at room temperature	Chicago Buffalo call leather	Florahelm Shoe Company, Division of Interco, Inc. v. U.S. (C.D. 4495)	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entitled)
Malott, J. October 9, 1974	P74/734	Florahelm Shoe Company, Div. of Interco, Inc., et al.	72-1-0047, etc.	Item 121.30 10% or 9.5%	Item 121.57 7% or 6%	Florahelm Shoe Company, Division of Interco, Inc. v. U.S. (C.D. 4495)	Mobile, Inc. v. U.S. (C.D. 4478)	Mobile, Inc. v. U.S. (C.D. 4478)	Mobile, Inc. v. U.S. (C.D. 4478)
Newman, J. October 9, 1974	P74/735	Mobile, Inc.	67/25230, etc.	Item 63.40 19%	Item 63.40 19%	Mobile, Inc. v. U.S. (C.D. 4478)	Mobile, Inc. v. U.S. (C.D. 4478)	Mobile, Inc. v. U.S. (C.D. 4478)	Mobile, Inc. v. U.S. (C.D. 4478)

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
P74/786	Newman, J. October 9, 1974	Mobile, Inc.	67/49260, etc.	Item 653.40 19%	Liquidations void; protests premature and dismissed; entries returned to regional commissioner for appropriate administrative action.	Mobile, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high intensity lamps and bulbs imported together (not entitles)
P74/787	Newman, J. October 9, 1974	Mobile, Inc.	67/38387, etc.	Item 653.40 19%	Liquidations void; protests premature and dismissed; entries returned to regional commissioner for appropriate administrative action	Mobile, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high intensity lamps and bulbs imported together (not entitles)
P74/788	Newman, J. October 9, 1974	Mobile, Inc.	68/10741, etc.	Item 653.40 or 653.30 19%	Liquidations void; protests premature and dismissed; entries returned to regional commissioner for appropriate administrative action	Mobile, Inc. v. U.S. (C.D. 4478)	New York Fluorescent and high intensity lamps and bulbs imported together (not entitles)

P74/789	Newman, J. October 9, 1974	Mobilite, Inc. 60/2789, etc.	Item 653.30 19%	Mobilite, Inc. v. U.S. (C.D. 4478) Liquidations void; protests premature and dismissed; en- trées returned to regional commissioner for appropriate administrative action	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entireties)
P74/790	Newman, J. October 9, 1974	Mobilite, Inc. 70/6440, etc.	Item 653.30 19%	Mobilite, Inc. v. U.S. (C.D. 4478) Liquidations void; protests premature and dismissed; en- trées returned to regional commissioner for appropriate administrative action	New York Fluorescent and high in- tensity lamps and bulbs imported together (not entireties)
P74/791	Ford, J. October 10, 1974	Larami Corp. 73-11-09154	Item 653.70 25%	Torch Mfg. Co., Inc. v. U.S. (C.D. 2688) Item 653.70 25% (flashlights) Item 652.95 8.5% (batteries) On basis of export value; said values are: \$2.88 per gross, packed (nat- tories); ap- praised value for flashlights plus batteries, less \$2.88 per gross, packed (flashlights)	Philadelphia Flashlights with batteries; not entireties

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	PORT OF ENTRY AND MERCHANDISE	
						Par. or Item No. and Rate	Par. on Item No. and Rate
P74/792	Ford, J. October 19, 1974	Montgomery Ward & Co.	68/00009, etc.	Item 684.70 15%, 18% or 15%	Item 685.30 9% or 8%	General Electric Company v. U. S. (C.D. 3887, aff'd C.A.D. 1621)	New York Earphones
P74/793	Richardson, J. October 10, 1974	Border Brokerage Co., Inc.	60/4648, etc.	Par. 397 18% (items marked "A" and "B")	Par. 383 0.5¢ per lb. (items marked "A") Par. 339 12.5% (items marked "B")	Border Brokerage Company et al. v. U.S. (C.D. 2947) (items marked "A") Agreed statement of facts (items marked "B")	Bainbridge (Seattle) Rivets and pins (Items marked "A") "C" type links and side bars, chiefly used for transmission of power (item marked "B")
P74/794	Richardson, J. October 10, 1974	Ross Products, Inc.	64/25701, etc.	Item 653.40 19%	Item 654.40 11.5%	Ross Products, Inc. v. U.S. (C.A.D. 994) U.S. v. L. Betlin & Son, Inc. (C.A.D. 1111)	San Juan Electric bird cages, etc.
P74/795	Watson, J. October 10, 1974	A.A. Importers, Inc., et al.	70/59979, etc.	Item 749.20 26.5%, 25% or 23.5%	Item 754.00 15% 13.5% or 11.5%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zimoid Trading Corporation et al. v. U.S. (C.D. 3279)	Los Angeles Artificial flowers, etc.

P74/76	Watson, J. October 10, 1974	The American Import Co. 68/22354, etc.	Item 748.20 28%	Armbis Corporation et al. v. U.S. (C.D. 4186) Joseph Markovits, Inc. v. U.S. (C.D. 4366)
P74/77	Watson, J. October 10, 1974	Norman Import & Export Co., Inc.	Item 678.171(B), etc.	Armbis Corporation et al. v. U.S. (C.D. 4186) Joseph Markovits, Inc. v. U.S. (C.D. 4366)
				Armbis Corporation et al. v. U.S. (C.D. 4186) Joseph Markovits, Inc. v. U.S. (C.D. 4366)

Decisions of the United States Customs Court
relative to the importation of
Artificial flowers, etc.

Decisions of the United States Customs Court

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Abstracted Reappraisement Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/353	Re, J., October 9, 1974	Castellano & Associates et al.	R58/287, etc.	Export value: Net appraised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Los Angeles Japanese plywood
R74/354	Re, J., October 9, 1974	N. D. Cunningham & Co., Inc.	R61/16100	Export value: Net appraised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Mobile Japanese plywood
R74/355	Re, J., October 9, 1974	U.S. Plywood Corporation	R61/18173, etc.	Export value: Net appraised value less 7 1/4%, net packed	Not stated	U.S. v. Gets Bros. & Co. et al. (C.A.D. 927)	Portland, Oreg. Japanese plywood

Decision on Motion for Rehearing

SEPTEMBER 9, 1974

United States v. Dana Perfumes Corp., reappraisement

R68/1631.—TOILET PREPARATIONS.—A.R.D. 320.

Motion by appellee for rehearing denied.

Judgments of the United States Customs Court
in Appealed Cases

OCTOBER 7, 1974

APPEAL 74-14.—Madden Machine Company, Inc. v. United States.—

ACTION DISMISSED FOR LACK OF JURISDICTION.—REHEARING DENIED. Order of June 5, 1973 (not published), rehearing denied, reversed and remanded June 27, 1974. C.A.D. 1130.

OCTOBER 10, 1974

APPEAL 74-30.—United States v. General Instrument Corporation.—

HORIZONTAL OUTPUT TRANSFORMERS (FLYBACKS)—ARTICLES ASSEMBLED ABROAD—PARTS OF TELEVISION APPARATUS—DUTY EXEMPTION FOR AMERICAN COMPONENTS—TSUS.—C.D. 4507. APPEAL DISMISSED AUGUST 16, 1974.

Tariff Commission Notices

Investigations by the United States Tariff Commission

DEPARTMENT OF THE TREASURY, October 18, 1974.

The appended notices relating to investigations by the United States Tariff Commission are published for the information of Customs Officers and others concerned.

VERNON D. ACREE,
Commissioner of Customs.

[337-L-75]

CERTAIN ELECTRONIC PRINTING CALCULATORS

Notice of extension of time for submission of information

Notice is hereby given that the date for submission of information by interested person which is pertinent to the preliminary inquiry instituted in the above matter has been extended from October 14, 1974, to November 13, 1974.

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued October 16, 1974.

[TEA-W-250]

WORKERS' PETITION FOR A DETERMINATION UNDER SECTION 301(c)(2) OF THE TRADE EXPANSION ACT OF 1962

Notice of investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of Bowmar ALI, Inc., Acton, Mass., a wholly owned subsidiary of Bowmar Instrument Corp., Fort Wayne, Indiana, the United States Tariff Commission, on October 16, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles

like or directly competitive with electronic calculators (of the type provided for in item 676.20 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register*.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th & E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued October 16, 1974.

[337-L-64]

ANALOG-TO-DIGITAL METERS

Notice of dismissal of preliminary inquiry

On the basis of the submissions made to the Tariff Commission by interested parties, the Tariff Commission on October 17, 1974, dismissed preliminary inquiry 337-L-64 without a determination on its merits; notice of the receipt of the complaint and institution of preliminary inquiry 337-L-64 was published in the *Federal Register* of June 20, 1973 (38 F.R. 16118).

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued October 21, 1974.

[337-L-76]

CERTAIN COMPONENTS OF AUTOMATIC TOBACCO LEAF GRADERS

Notice of extension of time for submission of information

Notice is hereby given that the date for submission of information by interested persons which is pertinent to the preliminary inquiry insti-

tuted in the above matter has been extended from October 21, 1974 to November 13, 1974.

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued October 21, 1974.

[TEA-W-251]

**WORKERS' PETITION FOR A DETERMINATION UNDER SECTION 301(c)(2) OF THE
TRADE EXPANSION ACT OF 1962**

Notice of investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Patio Shoes, Inc., South Norwalk, Connecticut, the United States Tariff Commission, on October 18, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.55 and 700.70 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioner. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register*.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued October 21, 1974.

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